

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

October 1, 2012

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Jack Black
Commissioner Gary Farley
Commissioner Trey Gooch
Commissioner Jeff Jordan
Commissioner Allen McAdoo
Commissioner Steve Sandlin
Commissioner Adam Coggin, C

OTHERS PRESENT:

Ernest Burgess Jared Barrett
Sonya Stephenson David Jones
Steve Schroeder John Lodl
Robert Stevens Kim Smith
Heather Dawbarn Laura Bohling
Jeramie Taber Jerry Sartain
Keith Bratcher Pam Jackson
Mark Jackson Becky Shelton

Chairman Coggin presided and called the meeting to order at 5:30 p.m. with all members being present at that time.

MINUTES:

"Commissioner Gooch moved, seconded by Commissioner Farley, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

ANNOUNCE VACANCY ON CODES ENFORCEMENT ADJUSTMENTS & APPEALS BOARD:

Chairman Coggin advised a vacancy on the Codes Enforcement Adjustments & Appeals Board was being announced.

ANNOUNCE ALTERNATE VACANCY ON BEER BOARD:

Chairman Coggin advised a vacancy on the Beer Board was being announced to fill the unexpired term of Michael Anderson which expires October, 2014.

ANNOUNCE TWO VACANCIES ON INSURANCE COMMITTEE - CITIZENS AT LARGE:

Chairman Coggin advised two citizen at large vacancies on the Insurance Committee were being announced.

BEER BOARD MEMBERSHIP:

The Committee was provided an e-mail from the County Attorney's Office responding to the question regarding whether it would be a conflict for an officer with the Sheriff's Department to serve on the Beer Board advising there is no specific statutory provision that prohibits the service but it may be problematic as the officer would have to determine, on a case by case basis, whether any particular matter presented a conflict with regard to his/her direct involvement and would then have to be recused. There are alternates to this Board.

FILL TWO VACANCIES ON BEER BOARD:

Applications have been received from Jared Barrett and Keith Bratcher for appointment to the Beer Board. Both applicants were in attendance and addressed the Committee. Following discussion,

"Commissioner Farley moved, seconded by Commissioner J. Jordan, to recommend appointment of Jared Barrett and Keith Bratcher to the Beer Board. This motion passed unanimously by acclamation."

FILL VACANCIES ON AUDIT COMMITTEE OF SCHOOL BOARD REPRESENTATIVE, ROAD BOARD REPRESENTATIVE AND CITIZEN:

Chairman Coggin advised applications had been received from Wayne Blair as the School Board representative, Keith Bratcher as the Road Board representative and Jason King and Steve Schroeder for the

citizen position. The applicants in attendance addressed the Committee. Following discussion,

"Commissioner Sandlin moved, seconded by Commissioner Farley, to recommend Wayne Blair as the School Board representative and Keith Bratcher as the Road Board representative on the Audit Committee. This motion passed unanimously by acclamation."

"Commissioner Farley moved, seconded by Commissioner Sandlin, to nominate Jason King and Steve Schroeder for the citizen position on the Audit Committee and vote for one. Steve Schroeder will be recommended for appointment to the citizen position on the Audit Committee by unanimous roll call vote."

BZA LEGAL OPINION:

The Committee was provided a legal opinion from the County Attorney's Office regarding the ability to appoint a Commissioner to the Board of Zoning Appeals advising this cannot be done as Tennessee statute does not specifically provide for the same. Commissioner Black inquired if the County should send a request to the Legislature to have one or two Commissioners appointed to the BZA. Commissioner Black also thought the five year term was too long. Mayor Burgess advised in addition to the statute, there is a Tennessee Supreme Court opinion that ruled against having a Commissioner on the BZA and there is a State Attorney General opinion that a local legislative body cannot elect or appoint one of its own members to an office over which it has the power of election or appointment as a matter of public policy. Mayor Burgess advised he did not think the State representatives would support a three year term.

Commissioner Farley suggested discussing with the Legislators at the annual meeting. Mayor Burgess advised may want to advise them in advance so they can have the matter researched before the meeting. Mayor Burgess advised CTAS has already declined to get involved.

FILL THREE VACANCIES ON BOARD OF ZONING APPEALS: ONE MEMBER AND TWO ALTERNATE POSITIONS:

Chairman Coggin advised applications have been received from Jerry Sartain, Jared Barrett and Michael Wrather. Applicants in attendance addressed the Committee. Following discussion,

"Commissioner Farley moved, seconded by Commissioner Sandlin, to recommend Jerry Sartain for the member position and Jared Barrett and Michael Wrather for the alternate positions on the Board of Zoning Appeals. This motion passed unanimously by acclamation."

APPOINTMENT OF JUDICIAL COMMISSIONER:

Chairman Coggin next advised Judges of the General Sessions and Juvenile Court of Rutherford County have requested appointment of Wanda Watkins as a judicial commissioner pursuant to the authority contained in Tennessee Public Acts of 1978, Chapter 933, for a term not to exceed four years and such term to conclude and terminate if and when the term is concluded or the service with Rutherford County is terminated. Following discussion,

"Commissioner McAdoo moved, seconded by Commissioner Gooch, to recommend appointment of Wanda Watkins as judicial commissioner for a term not to exceed four years and such term to conclude and terminate if and when the term is concluded or the service with Rutherford County is terminated. This motion passed unanimously by acclamation."

TIME LIMIT FOR COMMENTS AT PUBLIC HEARINGS:

The Committee was provided an e-mail from the County Attorney's Office advising there appears to be no prohibition on

limiting public comment time at public hearings. The relevant statutes, while requiring a public hearing, do not give insight into the parameters of the hearing. There is reference to such limitations in Robert's Rules of Order wherein possible time limitations on public comment can be set by the chair or internal rule.

Mayor Burgess provided a suggested addition to the Commissioner's Handbook under L. Public. which read "Also, for a scheduled public hearing, any person may address the Commission during the hearing. In all cases, the Commission may set a limit on the period of time a person is allowed to speak. If the Commission does not do so, the Chairman shall have the authority to limit the speaker to a reasonable time.". This would not relate to the public comment portion of the Commission which is three minutes per person.

Commissioner Sandlin questioned the ability to treat groups differently and whether a specific time period should be set. Mayor Burgess advised the proposed language is more flexible and the Commissioner's Handbook is easy to change should the Commission see a time limit should be set.

"Commissioner Gooch moved, seconded by Commissioner Farley, to add the language "Also, for a scheduled public hearing, any person may address the Commission during the hearing. In all cases, the Commission may set a limit on the period of time a person is allowed to speak. If the Commission does not do so, the Chairman shall have the authority to limit the speaker to a reasonable time." to L. Public. in the Commissioner's Handbook. This motion passed unanimously by acclamation."

REQUESTS FROM RECORDS COMMISSION:

Mayor Burgess and Commissioner Robert Stevens addressed the Committee regarding requests from the Records Commission. The Committee was provided a copy of T.C.A. 10-7-401 regarding the County Public Records Commission which provides for one member to be a judge of one of the courts of record which holds court in the county. The Records Commission was requesting this be changed to "judge or designee of judge". Additionally, the Records Commission would like to add another member being a representative from the Technology Department. Following discussion,

"Commissioner Farley moved, seconded by Commissioner Sandlin, to present to the Legislative delegation a request to change language in T.C.A. 10-7-401 from "judge" to "judge or the designee of the judge" and add as another member a representative from the Technology Department. This motion passed unanimously by acclamation."

Commissioner Stevens next provided copies of minutes of the August 21, 2012 Records Commission meeting advising the Committee voted to send a request to the County Commission through the Steering Committee to discuss and pass a countywide policy to require all county agencies and departments to submit an annual inventory of records, including a list of records that are proposed to be disposed of, to the County Archivist and the Register of Deeds, to effectuate a countywide records management policy. Commissioner Stevens advised the County had spent over \$200,000 on equipment with a person designated to handle and he was requesting departments clean up and organize and give a list of documents to Ms. Dawbarn and everyone needed to participate. Mayor Burgess advised he did not think the County was ready to say the Register's Office was the designated records keeper and more time was needed for department heads and elected officials to have more in-put and to develop a comprehensive plan but he agreed departments needed to dispose of records. Commissioner Stevens advised the reason for the request is that there are not many requests at meetings for disposal and offices are cluttered. Following discussion,

"Commissioner Sandlin moved, seconded by Commissioner Black, to postpone the issue until December for the Mayor to work on a

proposal. This motion passed unanimously by acclamation."

There appearing to be no further business to come before the Committee, Chairman Coggin declared the meeting adjourned at 6:24 p.m.

ADAM COGGIN, Chairman